

Tracy L. Mainguy, Bar No. 176928
Operating Engineers Local Union No. 3 Trust Funds- Multi-Services
1620 South Loop Road
Alameda, CA 94502
(510) 748-7474

Attorney for the Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

GIL CROSTHWAITE, JOHN BONILLA, in
their respective capacities as Trustees of the
OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND FOR
NORTHERN CALIFORNIA, et al.,

Plaintiffs,

vs.

CANYON SPRINGS ENTERPRISES DBA
RSH CONSTRUCTION SERVICES., et al.,

Defendants.

Case No.: C 06-4451 SBA

**STIPULATION TO DISMISS
DEFENDANT SURETY COMPANY OF
THE PACIFIC WITHOUT PREJUDICE
[Federal Rule of Civil Procedure 41(a)(1)]**

Plaintiffs GIL CROSTHWAITE, in their respective capacities as Trustees of the
OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA; PENSION TRUST FUND FOR OPERATING ENGINEERS; PENSIONED
OPERATING ENGINEERS HEALTH AND WELFARE FUND; OPERATING ENGINEERS
AND PARTICIPATING EMPLOYERS PRE-APPRENTICESHIP, APPRENTICE AND
JOURNEYMEN AFFIRMATIVE ACTION TRAINING FUND; OPERATING ENGINEERS
VACATION AND HOLIDAY PLAN; OPERATING ENGINEERS CONTRACT

STIPULATION TO DISMISS DEFENDANT SURETY COMPANY OF THE PACIFIC WITHOUT PREJUDICE;
ORDER THEREON;
Case No. C 06-4451 SBA

1 ADMINISTRATION TRUST FUND; OPERATING ENGINEERS MARKET
2 PRESERVATION TRUST FUND; OPERATING ENGINEERS INDUSTRY STABILIZATION
3 TRUST FUND; BUSINESS DEVELOPMENT TRUST FUND (“Operating Engineers Trust
4 Funds”), and Defendant SURETY COMPANY OF THE PACIFIC stipulate and agree to the
5 following:

6 1. In light of the complaint for interpleader filed in the Solano County Superior Court, Case
7 Number 06 FCM094656 relating to the Plaintiffs’ claim against Defendant SURETY
8 COMPANY OF THE PACIFIC, the above-captioned matter is dismissed without prejudice
9 pursuant to Federal Rule of Procedure 41(a)(1) as to Defendant SURETY COMPANY OF THE
10 PACIFIC.

11 2. Each party will bear their own attorneys’ fees and costs relating to this proceeding.
12

13 Dated this 10th day of October of 2006

14 OPERATING ENGINEERS LOCAL UNION NO. 3
15 TRUST FUNDS – MULTI-SERVICES

16 By: _____/s_____
17 TRACY L MAINGUY
ATTORNEY FOR PLAINTIFFS

18 Dated this 12th day of October of 2006
19

20 LAW OFFICES OF GEISSLER AND NIMOY
21 By: _____/s_____
STEVEN S. NIMOY
22
23
24
25

/////

STIPULATION TO DISMISS DEFENDANT SURETY COMPANY OF THE PACIFIC WITHOUT PREJUDICE;
ORDER THEREON;
Case No. C 06-4451 SBA

ORDER

Based upon the above-stated stipulation for dismissal of action without prejudice and pursuant to Federal Rule of Civil Procedure 41(a)(1), this action is dismissed without prejudice as to Defendant SURETY COMPANY OF THE PACIFIC.

IT IS SO ORDERED.

Dated: 11/1/06


SAUNDRA BROWN ARMSTRONG
HON. UNITED STATES DISTRICT COURT JUDGE

STIPULATION TO DISMISS DEFENDANT SURETY COMPANY OF THE PACIFIC WITHOUT PREJUDICE;
ORDER THEREON;
Case No. C 06-4451 SBA